IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 7723 OF 2005

Shri Ashok Devichand Rathod .. Applicant

Vs.

The State of Maharashtra .. Respondent

Mr. S.A. Ingawale for applicant.
Mr. K.V. Saste, APP for Respondent.

CORAM: S.C. DHARMADHIKARI, J.
Date : December 07, 2005.

P.C.:

1. Heard Mr. Ingawale for the applicant and Mr. Saste, APP, for the respondent-State.

2. Perused the statement of the complainant/ prosecutrix. It is clear from the same that, prima facie, the complainant disgruntled and dissatisfied with the husband who was a drug addict initially sought employment from the applicant and thereafter had physical relations with him. The relations have been maintained over a period of time from October 2003. It is her complaint that after she resigned from the job that the present applicant used to approach her and insisted upon continuing the relationship. Certain threats were also given by him.

3. Upon perusal of the same, in my view, at this

stage it is difficult to hold that the ingredients necessary to attract punishment for offence of rape are set out in the statement. This is a case where the applicant and the complainant had relations. The applicant's desire to continue the same led to the complaint being filed. Accordingly I pass the following order:-

(i) The applicant is enlarged on bail in connection with C.R. No.227 of 2005 registered at Khadak Police Station, Pune, subject to furnishing a personal bond of Rs.10,000/- with one surety in the like amount.

(ii) The applicant shall attend Khadak Police Station once in a fort-night till the conclusion of the trial between 5 p.m. to 7 p.m.

(iii) The Bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution

evidence.

(iv) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

(v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(vi) Application is disposed of in above terms.

(vii) The parties to act upon an authenticated copy of this order.

(S.C. Dharmadhikari,J)